



HARVARD LAW SCHOOL

Cambridge · Massachusetts · 02138

RICHARD J. LAZARUS
Howard J. & Katherine W. Aibel Professor of Law

Areeda Hall 329
1545 Massachusetts Avenue
(617) 495-8015
lazarus@law.harvard.edu

May 13, 2015

Ms Wendy Blake
Associate General Counsel
General Law Office
Office of the General Counsel
US Environmental Protection Agency
Washington, D.C.

Re: FOIA Request for Documents Pertaining to August 28, 2003, EPA Decision Not to Regulate Greenhouse Gas Emissions from New Motor Vehicles Pursuant to the Clean Air Act and the Subsequent Defense of that Decision in the U.S. Court of Appeals for the D.C. Circuit and the U.S. Supreme Court

Dear Ms. Blake:

The purpose of this letter is to make a formal request pursuant to the federal Freedom of Information Act for documents, both hard copies and electronic in form (including emails) pertaining to the decision of the U.S. Environmental Protection Agency in 2003 that greenhouse gases were not pollutants within the meaning of the federal Clean Air Act. More specifically, I am interested in documents relevant to the Agency's decision making between January 1, 2001, and August 28, 2003, when EPA formally denied a petition seeking regulation of greenhouse gas emissions from new motor vehicles under the Clean Air Act, extending to the Agency's defense of that decision before the U.S. Court of Appeals for the D.C. Circuit and the U.S. Supreme Court.

I am seeking access to these documents in support of my research on the history of a Supreme Court case, *Massachusetts v. EPA*, decided by the Court in April 2007. For this same reason, I would like to request a fee waiver for the associated costs. The exclusive purpose of my research is in support of an academic publication, most likely a book for a general audience, that I believe will be of significant interest and value to the public. The *Massachusetts* case is one of the most significant environmental law decisions handed down by the U.S. Supreme Court. And my aim is to tell the story of that case in a manner that highlights for the public the challenges of both environmental lawmaking and Supreme Court advocacy. I have published significant scholarship on similar topics. See <http://www.law.harvard.edu/faculty/rlazarus/index.html>.

Please also know that I would be pleased to speak with anyone in your office or any relevant office at EPA about possible ways to make the processing of my request easier and more convenient for those involved. I can certainly travel to DC to review documents in person if that

would be helpful and expedite matters. I am also open to fine-tuning my request in terms of either types of documents or relevant time period in ways that would avoid any undue and unnecessary burdens. My contact information (both email and phone) are set forth at the top of the first page of this correspondence.

Thank you for considering this FOIA request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard J. Lazarus", with a long horizontal flourish extending to the right.

Richard J. Lazarus